



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 11

#### EVIDENCE

### CHAPTER 2

#### HEARSAY EVIDENCE

#### *General*

#### **132 Rules of court**

- (1) Rules of court may make such provision as appears to the appropriate authority to be necessary or expedient for the purposes of this Chapter; and the appropriate authority is the authority entitled to make the rules.
- (2) The rules may make provision about the procedure to be followed and other conditions to be fulfilled by a party proposing to tender a statement in evidence under any provision of this Chapter.
- (3) The rules may require a party proposing to tender the evidence to serve on each party to the proceedings such notice, and such particulars of or relating to the evidence, as may be prescribed.
- (4) The rules may provide that the evidence is to be treated as admissible by agreement of the parties if—
  - (a) a notice has been served in accordance with provision made under subsection (3), and
  - (b) no counter-notice in the prescribed form objecting to the admission of the evidence has been served by a party.
- (5) If a party proposing to tender evidence fails to comply with a prescribed requirement applicable to it—

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- (a) the evidence is not admissible except with the court's leave;
  - (b) where leave is given the court or jury may draw such inferences from the failure as appear proper;
  - (c) the failure may be taken into account by the court in considering the exercise of its powers with respect to costs.
- (6) In considering whether or how to exercise any of its powers under subsection (5) the court shall have regard to whether there is any justification for the failure to comply with the requirement.
- (7) A person shall not be convicted of an offence solely on an inference drawn under subsection (5)(b).
- (8) Rules under this section may—
- (a) limit the application of any provision of the rules to prescribed circumstances;
  - (b) subject any provision of the rules to prescribed exceptions;
  - (c) make different provision for different cases or circumstances.
- (9) Nothing in this section prejudices the generality of any enactment conferring power to make rules of court; and no particular provision of this section prejudices any general provision of it.
- (10) In this section—
- “prescribed” means prescribed by rules of court;
  - “rules of court” means—
    - (a) Crown Court Rules;
    - (b) Criminal Appeal Rules;
    - (c) rules under section 144 of the Magistrates' Courts Act 1980 (c. 43).

### **133 Proof of statements in documents**

Where a statement in a document is admissible as evidence in criminal proceedings, the statement may be proved by producing either—

- (a) the document, or
- (b) (whether or not the document exists) a copy of the document or of the material part of it,

authenticated in whatever way the court may approve.

### **134 Interpretation of Chapter 2**

- (1) In this Chapter—

“copy”, in relation to a document, means anything on to which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“criminal proceedings” means criminal proceedings in relation to which the strict rules of evidence apply;

“defendant”, in relation to criminal proceedings, means a person charged with an offence in those proceedings;

“document” means anything in which information of any description is recorded;

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“oral evidence” includes evidence which, by reason of any disability, disorder or other impairment, a person called as a witness gives in writing or by signs or by way of any device;

“statutory provision” means any provision contained in, or in an instrument made under, this or any other Act, including any Act passed after this Act.

- (2) Section 115 (statements and matters stated) contains other general interpretative provisions.
- (3) Where a defendant is charged with two or more offences in the same criminal proceedings, this Chapter has effect as if each offence were charged in separate proceedings.

### **135 Armed forces**

Schedule 7 (hearsay evidence: armed forces) has effect.

### **136 Repeals etc**

In the Criminal Justice Act 1988 (c. 33), the following provisions (which are to some extent superseded by provisions of this Chapter) are repealed—

- (a) Part 2 and Schedule 2 (which relate to documentary evidence);
- (b) in Schedule 13, paragraphs 2 to 5 (which relate to documentary evidence in service courts etc).